

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE — REGULAR SESSION

AUSTIN, TEXAS

PROCEEDINGS

NINTH DAY

(Monday, February 4, 2013)

The Senate met at 2:04 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Birdwell, Campbell, Davis, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Hancock, Hegar, Hinojosa, Huffman, Lucio, Nelson, Nichols, Rodríguez, Schwertner, Seliger, Taylor, Uresti, Van de Putte, Watson, West, Whitmire, Williams, Zaffirini.

Absent-excused: Carona, Patrick, Paxton.

The President announced that a quorum of the Senate was present.

Deacon Christopher Schroeder, Cathedral School of Saint Mary, Austin, offered the invocation as follows:

Dear and loving God, send Your wisdom, send Your reign that our hearts may bloom again. Make room, make room here within, a place for hope, Your word begin. Your writ, Your will, Your word compose in our hearts and minds and souls. Amen. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

LEAVES OF ABSENCE

On motion of Senator Whitmire, Senator Carona was granted leave of absence for today on account of important business.

On motion of Senator Whitmire, Senator Patrick was granted leave of absence for today on account of important business.

On motion of Senator Whitmire, Senator Paxton was granted leave of absence for today on account of important business.

MESSAGES FROM THE GOVERNOR

The following Messages from the Governor were read and were referred to the Committee on Nominations:

January 31, 2013

Austin, Texas

TO THE SENATE OF THE EIGHTY-THIRD LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be members of the Advisory Board of Athletic Trainers for terms to expire January 31, 2019:

David R. Schmidt
San Antonio, Texas

(Dr. Schmidt is being reappointed)

Cathy P. Supak
Houston, Texas

(replacing Michael Waters of Diboll whose term expired)

To be members of the Commission on Jail Standards for terms to expire January 31, 2019:

Donna S. Klaeger
Horseshoe Bay, Texas

Jerry Lowry, Sr.
New Caney, Texas

Larry May
Sweetwater, Texas

The individuals listed above are being reappointed.

To be members of the Manufactured Housing Board for terms to expire January 31, 2019:

Bobby Ray McCarn
Port Lavaca, Texas

Donnie W. Wisenbaker
Sulphur Springs, Texas

The individuals listed above are being reappointed.

To be members of the Texas Optometry Board for terms to expire January 31, 2019:

Judith Ann Chambers
Austin, Texas

(replacing James Dyess of Austin whose term expired)

Melvin G. Cleveland, Jr.
Arlington, Texas

(Dr. Cleveland is being reappointed)

Virginia Sosa
Uvalde, Texas
(Dr. Sosa is being reappointed)

Respectfully submitted,
/s/Rick Perry
Governor
February 1, 2013
Austin, Texas

TO THE SENATE OF THE EIGHTY-THIRD LEGISLATURE, REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be the Adjutant General of Texas for a term to expire February 1, 2015:
John F. Nichols
Spring Branch, Texas
General Nichols is being reappointed.

To be the Texas State Board of Education Chair for a term to expire February 1, 2015:
Barbara Cargill
The Woodlands, Texas
Ms. Cargill is being reappointed.

To be members of the Texas State Board of Examiners of Professional Counselors for terms to expire February 1, 2019:
Sarah Abraham
Sugar Land, Texas
Steven Christopherson
Pasadena, Texas
Leslie Pohl
Austin, Texas
The individuals listed above are being reappointed.

To be members of the Texas Funeral Service Commission for terms to expire February 1, 2019:

Jean L. Olinger
Childress, Texas
(Dr. Olinger is being reappointed)

Jonathan Scepanski
McAllen, Texas
(replacing Carol Becker of Aledo whose term expired)

Gary Shaffer
San Angelo, Texas
(replacing Jess Fields, Sr. of Kingwood whose term expired)

To be the Executive Commissioner of Health and Human Services for a term to expire February 1, 2015:

Kyle Janek
Austin, Texas

Commissioner Janek is being reappointed.

To be a member of the Texas Lottery Commission for a term to expire February 1, 2019:

J. Winston Krause
Austin, Texas

Mr. Krause is being reappointed.

To the Office of Independent Ombudsman for the Texas Juvenile Justice Department for a term to expire February 1, 2015:

Deborah "Debbie" Unruh
Austin, Texas

Ms. Unruh is being reappointed.

To be the Public Counsel for the Office of Public Insurance Counsel for a term to expire February 1, 2015:

Deeia Beck
Austin, Texas

Ms. Beck is being reappointed.

To be members of the Texas Racing Commission for terms to expire February 1, 2019:

Ronald F. Ederer
Corpus Christi, Texas

John T. Steen, III
Houston, Texas

The individuals listed above are being reappointed.

Respectfully submitted,

/s/Rick Perry
Governor

MESSAGE FROM SPEAKER OF THE HOUSE OF REPRESENTATIVES

The following Message from the Speaker was read and was referred to the Committee on Nominations:

HOUSE OF REPRESENTATIVES
JOE STRAUS
SPEAKER

January 31, 2013

The Honorable David Dewhurst
Lieutenant Governor
P.O. Box 12068
Austin, TX 78711

Dear Governor Dewhurst,

On December 28, 2011, I appointed Frederick "Shad" Rowe Jr. to the Employees Retirement System of Texas Board of Trustees to fill an unexpired term ending August 31, 2014.

Pursuant to Section 815.002(a), Texas Government Code, Mr. Rowe's appointment requires the advice and consent of the Senate. Since the appointment was made during the interim, the Regular Session of the 83rd Legislature is now the first opportunity for this process to occur. Therefore, I respectfully request your assistance in initiating Senate confirmation procedures for Mr. Rowe.

If you have questions or need additional information concerning this appointment, please do not hesitate to contact Kari Torres of my staff at (512) 463-1000.

Sincerely,

/s/Joe Straus

Speaker

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Monday, February 4, 2013 - 1

The Honorable President of the Senate

Senate Chamber

Austin, Texas

Mr. President:

I am directed by the house to inform the senate that the house has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

SCR 8

Whitmire

Sponsor: Turner, Chris

Granting the legislature permission to adjourn for more than three days during the period beginning on Wednesday, January 30, 2013, and ending on Monday, February 4, 2013.

Respectfully,

/s/Robert Haney, Chief Clerk

House of Representatives

SENATE RESOLUTION 111

Senator Lucio offered the following resolution:

SR 111, Recognizing February 4, 2013, as Texas Capitol Schoolhouse Day at the State Capitol.

LUCIO

PATRICK

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Lucio was recognized and introduced to the Senate a Texas Capitol Schoolhouse delegation, accompanied by Warren Webster, Madalyn Weaver, Alvaro Romero, Josie Bolton, Jacob Hunter, and Amy Johnson.

The Senate welcomed its guests.

SENATE RESOLUTION 34

Senator Seliger offered the following resolution:

SR 34, Recognizing February 4, 2013, as Municipal Government Day at the State Capitol.

SELIGER
WATSON

The resolution was read and was adopted without objection.

GUESTS PRESENTED

Senator Seliger, joined by Senators Schwertner, Nelson, Davis, and Watson, was recognized and introduced to the Senate a Texas Municipal League delegation, accompanied by John Monaco, President of the Texas Municipal League and Mayor of Mesquite; Jungus Jordan, President-elect of the Texas Municipal League and Fort Worth Councilmember; and the following Texas Municipal League members: Jackie Levingston, Mayor of Groesbeck; Victor Gonzales, Mayor Pro Tempore of Pflugerville; and Holly Gray-McPherson, Mayor Pro Tempore of Roanoke.

The Senate welcomed its guests.

PHYSICIAN OF THE DAY

Senator Watson was recognized and presented Dr. Kanaka Paladugu of Bastrop as the Physician of the Day.

The Senate welcomed Dr. Paladugu and thanked her for her participation in the Physician of the Day program sponsored by the Texas Academy of Family Physicians.

GUEST PRESENTED

Senator Lucio was recognized and introduced to the Senate John "Quinten" Womack, Student Regent of The Texas A&M University System.

The Senate welcomed its guest.

SENATE RESOLUTION 120

Senator Birdwell offered the following resolution:

SR 120, In memory of Jim Gray of Eddy.

On motion of Senator Birdwell, the resolution was read and was adopted by a rising vote of the Senate.

In honor of the memory of Jim Gray, the text of the resolution is printed at the end of today's *Senate Journal*.

On motion of Senator Birdwell and by unanimous consent, his remarks regarding **SR 120** were ordered reduced to writing and printed in the *Senate Journal* as follows:

Mr. President, Members, it is with a heavy heart that I rise to pay homage to the memory of Pastor Jim Gray, who was killed in an automobile accident this past Wednesday. Pastor Gray was the Associate Pastor for Senior Adults at First Baptist Church of Woodway in McLennan County. Jim was a veteran who served in the Air Force and attained the rank of Staff Sergeant. Most notably, he served during the Vietnam War as a Chinese linguist. His burial will be at the Central Texas State Veterans Cemetery in Killeen, which is transpiring now as we speak. Jim gave me, as a candidate, as well as a Senator, the valuable gift of his time. He gave the opening invocation at my swearing-in ceremony in Hillsboro and was my first pastor from McLennan County to offer the invocation in the Senate as pastor of the day last session. He had a passion of serving others and brought encouragement and joy to so many people. Our prayers and heartfelt sympathy are with his wife, Kay, and his family members, as well as the congregation of First Baptist Woodway, in this time of sorrow. Mr. President, thank you, and I move to adjourn today in honor of Pastor Jim Gray.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced to the Senate students and teachers from the Texas School for the Deaf.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Van de Putte was recognized and introduced to the Senate students from John H. Wood, Jr., Public Charter Schools from District 26.

The Senate welcomed its guests.

CO-AUTHOR OF SENATE BILL 24

On motion of Senator Hinojosa, Senator Watson will be shown as Co-author of **SB 24**.

CO-AUTHOR OF SENATE BILL 86

On motion of Senator Ellis, Senator Davis will be shown as Co-author of **SB 86**.

CO-AUTHOR OF SENATE BILL 225

On motion of Senator Seliger, Senator Deuell will be shown as Co-author of **SB 225**.

CO-AUTHOR OF SENATE JOINT RESOLUTION 5

On motion of Senator Campbell, Senator Estes will be shown as Co-author of **SJR 5**.

RESOLUTIONS OF RECOGNITION

The following resolutions were adopted by the Senate:

Memorial Resolutions

SR 101 by Van de Putte, In memory of Stella Finnegan Villareal of San Antonio.

SR 102 by Van de Putte, In memory of Sylvia G. Rodriguez of San Antonio.

SR 104 by Watson, In memory of R. Vic Mathias of Austin.

SR 105 by Watson, In memory of Charles Thomas Blackwell.

SR 108 by Uresti, In memory of Carl Pendergrass.

SR 114 by Uresti, In memory of Alfredo Gutierrez, Jr., of Del Rio.

Welcome and Congratulatory Resolutions

SR 103 by Watson, Recognizing Joe K. Longley on the occasion of his 70th birthday.

SR 106 by Watson, Recognizing Rick Watson on the occasion of his retirement from the Office of the Comptroller of Public Accounts.

SR 107 by Nelson, Campbell, Deuell, and Schwertner, Welcoming the members of the Texas Medical Association to the Texas Capitol.

SR 109 by Schwertner, Recognizing the members of the Chancellor's Student Advisory Council of The Texas A&M University System.

SR 116 by Hinojosa, Commending Herbert Canales for his service as director of the Corpus Christi Public Libraries.

SR 118 by Williams, Congratulating Jorge L. Quijano for earning a Texas Industrial Engineering Lifetime Achievement Award from Lamar University.

SR 122 by Taylor, Commending Brittany Harris of Friendswood for her efforts to secure clean water for an African village.

Official Designation Resolution

SR 95 by Nelson, Davis, and Hancock, Recognizing February 6 and 7, 2013, as Tarrant County Days at the State Capitol.

Legislative Policy Resolution

SR 121 by Whitmire, Granting the Texas DeMolay Association permission to use the Senate Chamber on February 16 and 17, 2013.

ADJOURNMENT

On motion of Senator Whitmire, the Senate at 2:30 p.m. adjourned, in memory of Jim Gray, Christopher Scott Kyle, and Chad Huston Littlefield, until 11:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Secretary of the Senate in the order listed:

February 4, 2013

EDUCATION — **SB 135**

RESOLUTIONS ENROLLED

January 30, 2013

SR 51, SR 56, SR 68, SR 79, SR 81, SR 83, SR 84, SR 85, SR 87, SR 88, SR 89, SR 90, SR 91, SR 92, SR 93, SR 94, SR 96, SR 97, SR 98, SR 99, SR 100

**In Memory
of
Jim Gray
Senate Resolution 120**

WHEREAS, The Senate of the State of Texas joins the residents of Eddy in mourning the loss of the Reverend Jim Gray, who died January 30, 2013, at the age of 68; and

WHEREAS, Jim Gray was born on February 11, 1944, in Lubbock; he graduated from Odessa High School in 1962 and joined the United States Air Force; during his service, he studied at the Institute of Far Eastern Languages at Yale University and served as a Chinese linguist in the Vietnam War; and

WHEREAS, After his return home, Mr. Gray earned a bachelor's degree in sociology from The University of Texas at Austin, and for the next decade he worked for the federal government; and

WHEREAS, Reverend Gray's call to the ministry came in 1983; among his congregations was the First Baptist Church in Eddy, where he devotedly ministered for 10 years; in 1999, he became associate pastor for senior adults at First Baptist Church Woodway; it was a job he cherished, and he remained in the position until his death; and

WHEREAS, A man of depth and devotion, Reverend Gray enjoyed traveling with his congregants, and he was greatly admired as an inspirational force whose ministry shaped the lives of many; he leaves behind his beloved wife of 48 years, Kay, and their children and grandchildren, who will long cherish their memories of this compassionate man; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 83rd Legislature, hereby extend sincere condolences to the bereaved family of Jim Gray; and, be it further

RESOLVED, That a copy of this Resolution be prepared for his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Jim Gray.

BIRDWELL